

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

DENNIS ANTHONY HALL,

Petitioner,

v.

Civil No. 2:10-CV-11252

HONORABLE DENISE PAGE HOOD

CHIEF UNITED STATES DISTRICT JUDGE

STEVEN RIVARD,

Respondent,

OPINION AND ORDER DENYING THE MOTION FOR RECONSIDERATION

On March 31, 2016, this Court denied the petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254, declined to issue a certificate of appealability, but granted petitioner leave to appeal *in forma pauperis*.

Petitioner filed a motion for reconsideration, which will be DENIED.

U.S. Dist.Ct. Rules, E.D. Mich. 7.1 (h) allows a party to file a motion for reconsideration. However, a motion for reconsideration which presents the same issues already ruled upon by the court, either expressly or by reasonable implication, will not be granted. *Id.*; See also *Flanagan v. Shamo*, 111 F. Supp. 2d 892, 894 (E.D. Mich. 2000). The movant shall not only demonstrate a palpable defect by which the Court and the parties have been misled but also show that a different disposition of the case must result from a correction thereof. A palpable defect is a defect that is obvious, clear, unmistakable, manifest, or plain. *Witzke*

v. Hiller, 972 F. Supp. 426, 427 (E.D. Mich. 1997).

Petitioner is merely attempting to re-hash arguments that he previously raised in his original and amended habeas applications and in his replies to the state's answers. The Court will therefore deny petitioner's motion for reconsideration, because petitioner is merely presenting issues which were already ruled upon by this Court, either expressly or by reasonable implication, when the Court denied petitioner's habeas application and denied him a certificate of appealability. See *Hence v. Smith*, 49 F. Supp. 2d 547, 553 (E.D. Mich. 1999).

A certificate of appealability is required to appeal the denial of a motion for reconsideration in a habeas case. See *e.g. Amr v. U.S.*, 280 Fed. Appx. 480, 486 (6th Cir. 2008). This Court will deny petitioner a certificate of appealability, because jurists of reason would not find this Court's resolution of petitioner's motion for reconsideration to be debatable. The Court will also deny petitioner leave to appeal *in forma pauperis*, because the appeal would be frivolous. See *Allen v. Stovall*, 156 F. Supp. 2d 791, 798 (E.D. Mich. 2001).

ORDER

Based upon the foregoing, IT IS ORDERED that the motion for reconsideration [Dkt. # 30] is **DENIED**.

IT IS FURTHER ORDERED That a certificate of appealability is **DENIED**.

IT IS FURTHER ORDERED that leave to appeal *in forma pauperis* is
DENIED.

S/Denise Page Hood

Denise Page Hood

Chief Judge, United States District Court

Dated: May 17, 2016

I hereby certify that a copy of the foregoing document was served upon counsel of record on May 17, 2016, by electronic and/or ordinary mail.

S/LaShawn R. Saulsberry

Case Manager